

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

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Attorneys for FREEDOM MORTGAGE CORPORATION

In Re:

SHARON L. MCNEAL-SILNICKI A/K/A SHARON L.
MCNEAL



Order Filed on March 6, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No: 19-11614 - JNP

Hearing Date: February 4, 2020

Judge: JERROLD N. POSLUSNY JR.

Recommended Local Form: ☒ Followed ☐ Modified

ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS

The relief set forth on the following pages, numbered two (2) and four (4) is hereby **ORDERED**.

DATED: March 6, 2020

A handwritten signature in dark ink, appearing to read "Jerrold N. Poslusny, Jr.", written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

Applicant: FREEDOM MORTGAGE CORPORATION
Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC
Debtor's Counsel: Victoria A. Steffen, ESQUIRE, Esquire
Property Involved ("Collateral"): 1043 ROUTE 47 SOUTH, RIO GRANDE, NJ 08242-1507

Relief sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for **7** months, from **07/01/2019** to **01/01/2020**.

☒ The Debtor is overdue for **5** payments at **\$1,258.30** per month.

☒ The Debtor is overdue for **2** payments at **\$1,217.07** per month.

☐ The Debtor is assessed for _____ late charges at \$_____ per month.

☒ Applicant acknowledges suspense funds in the amount of **\$534.26**.

Total Arrearages Due **\$8,191.38***.

*Debtor is claiming that a post-petition mortgage payment of an additional \$1241.73 was made which cannot be accounted for by Freedom Mortgage Corporation. Debtor has initiated a trace of two (2) March 2019 money orders. Should it later be established that this payment was made, Freedom Mortgage Corporation agrees to amend its claim accordingly to reflect this payment.

2. Debtor must cure all post-petition arrearages, as follows:

☐ Immediate payment shall be made in the amount of \$_____. Payment shall be made no later than _____.

☒ Beginning on **02/01/2020**, regular monthly mortgage payments shall continue to be made.

☐ Beginning on _____, additional monthly cure payments shall be made in the amount of \$_____ for _____ months.

☒ The amount of \$8,191.38 shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a Modified Plan within 10 days from the entry of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment:

☒ Regular Monthly payment:

☐ Monthly cure payment:

4. In the event of Default:

☒ Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification

shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$_____, and costs of \$_____.

The fees and costs are payable:

☐ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

6. This Agreed Order survives any loan modification agreed to and executed during the instant bankruptcy.

Certificate of Notice Page 5 of 5

United States Bankruptcy Court
District of New Jersey

In re:
Sharon L. McNeal-Silnicki
Debtor

Case No. 19-11614-JNP
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
Form ID: pdf903

Page 1 of 1
Total Noticed: 1

Date Rcvd: Mar 06, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Mar 08, 2020.

db Sharon L. McNeal-Silnicki, 1043 Route 47 S, Rio Grande, NJ 08242-1507

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Mar 08, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on March 6, 2020 at the address(es) listed below:

Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
Kevin Gordon McDonald on behalf of Creditor J.G. Wentworth Home Lending, LLC. kmcdonald@kmlawgroup.com, bkgroup@kmlawgroup.com
Robert Davidow on behalf of Creditor FREEDOM MORTGAGE CORPORATION nj.bkecf@fedphe.com
Sherri Jennifer Smith on behalf of Creditor FREEDOM MORTGAGE CORPORATION nj.bkecf@fedphe.com, nj.bkecf@fedphe.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov
Victoria A. Steffen on behalf of Debtor Sharon L. McNeal-Silnicki vsteffen@verizon.net, G30369@notify.cincompass.com

TOTAL: 7